

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CIVIL ACTION NO. 04-11730 NG

GEORTO, INC.,

Plaintiff,

v.

WILLIAM GATEMAN, INDIVIDUALLY
and as TRUSTEE OF 200 UNION
STREET REALTY TRUST

Defendant,

Third Party Plaintiff, and

Third Party Defendant-in-
Counterclaim

ROBERTS CORPORATION

Third Party Defendant,

and Third Party Plaintiff-in-
Counterclaim

STIPULATION AND JOINT STATEMENT

The parties hereby set forth the following stipulation and joint statement in accordance with the conference with the Court held on March 13, 2006:

1. Designation of Rebuttal Experts/Disclosures shall be served no later than March 24, 2006.
2. Counsel for Defendant William Gateman shall provide counsel for Plaintiff and counsel for Third Party Defendant with copies of documents previously produced by Thomas Mattuchio Construction, Inc. and documents previously produced by S.W. Cole no later than March 30, 2006.

3. Counsel for Defendant William Gateman shall serve a privilege log in connection with Defendant's production of documents no later than March 30, 2006.
4. Any opposition to Plaintiff's Motion to Compel Production of Documents shall be filed no later than March 30, 2006.
5. Any motion for protective order in connection with the previously noticed deposition of Jackson Gateman shall be filed no later than April 7, 2006.
6. Oppositions to Third Party Defendants' Motion for Summary Judgment shall be filed no later than April 21, 2006 and any replies to such oppositions shall be filed in accordance with the deadlines set forth in the Local Rules.
7. Depositions of fact witnesses previously noticed to take place prior to November 30, 2005 shall be completed no later than May 31, 2006. Such depositions shall include the continued deposition of William Gateman, the deposition of Jackson Gateman, the deposition of Family Dollar Stores of Massachusetts, Inc. pursuant to Rule 30(b)(6), the deposition of Loveland Trucking Co., Inc. pursuant to Rule 30(b)(6), and the deposition of Thomas Mattuchio Construction, Inc. pursuant to Rule 30 (b) (6).
8. Depositions of expert witnesses (in accordance with the Federal Rules of Civil Procedure) shall be completed no later than June 30, 2006.
9. The pre-trial conference shall be held on August 17, 2006 at 2:30pm.
10. Trial shall commence on August 21, 2006.¹

¹ Georto further states that a key non-party witness has notified Georto that he is unavailable for trial that week due to a previously scheduled vacation. Georto is seeking to determine whether that witness can reschedule such vacation. If such witness is not able to do so, Georto anticipates seeking to reschedule the trial for a date on or after October 9, 2006. In the alternative, Georto

In accordance with its prior notifications, Plaintiff Georto, Inc. further states that it expects to move to amend its Complaint to add as a defendant the holder of the beneficial interest in the 200 Union Street Realty Trust upon receipt of the documents from Defendant identifying such holder.

WHEREFORE, the Parties petition this Honorable Court to extend the Discovery Deadlines as set forth above.

**DEFENDANT WILLIAM GATEMAN,
INDIVIDUALLY AND AS TRUSTEE**

By his attorney

/s/Mark P. McGrath

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PLAINTIFF GEORTO, INC.

By its attorney

/s/ Dale Kerester

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**THIRD PARTY DEFENDANT ROBERTS CORPORATION
BY ITS ATTORNEY**

/s/ J. Mark Dickison

J. Mark Dickison, Esq., BBO# 629170
LAWSON & WEITZEN, LLP
88 Black Falcon Avenue, Suite 345
Boston, MA 02110
Date: March 20, 2006

would seek to take and utilize a videotaped deposition of such witness for use at trial.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a true and accurate copy of the foregoing, STIPULATION AND JOINT STATEMENT, to be served upon the counsel listed below by electronic filing, this 20th day of March, 2006:

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/s/ Dale C. Kerester

Dale C. Kerester